

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CANDIDO PENA,

Defendant.

Case No. 16-CR-171-JPS

ORDER

On October 25, 2016, the government filed a five count indictment against the defendant, charging him with firearm possession crimes, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2), and (c)(1)(A)(i), and possessing illegal drugs with intent to distribute the same, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(B), and (b)(1)(C). (Docket #1). On January 18, 2017, the parties filed a plea agreement indicating that the defendant agreed to plead guilty to Counts Three and Five of the Indictment, with the remaining counts to be dismissed at sentencing. (Docket #28 at 2-4).

The parties appeared before Magistrate Judge William E. Duffin on January 30, 2017, to conduct a plea colloquy pursuant to Federal Rule of Criminal Procedure 11. (Docket #31). The defendant entered a plea of guilty as to Counts Three and Five of the Indictment. *Id.* After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, Magistrate Duffin determined that the guilty plea was knowing and voluntary, and that the offenses charged were supported by an independent factual basis containing each of the essential elements of the offenses. (Docket #31 and #32).

Thereafter, Magistrate Duffin filed a Report and Recommendation with this Court, recommending that: (1) the defendant's plea of guilty be accepted; (2) a presentence investigation report be prepared; and (3) the defendant be adjudicated guilty and have a sentence imposed accordingly. (Docket #32). Pursuant to General L. R. 72(c) (E.D. Wis.), 28 U.S.C. § 636(b)(1)(B), and Federal Rules of Criminal Procedure 59(b) or 72(b) if applicable, the parties were advised that written objections to that recommendation, or any part thereof, could be filed within fourteen days of the date of service of the recommendation.

To date, no party has filed such an objection.

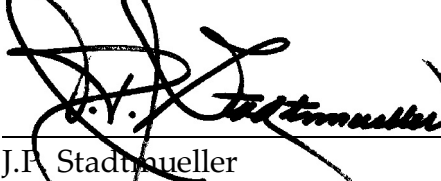
The Court has considered Magistrate Duffin's recommendation and, having received no objection thereto, will adopt it.

Accordingly,

IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #32) be and the same is hereby **ADOPTED**.

Dated at Milwaukee, Wisconsin, this 16th day of February, 2017.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge